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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ANTHONY LEWIS,) CASE NO. C08-1239-RSL
09)
Petitioner,)
10)
v.) ORDER DENYING PETITIONER'S
11) MOTION FOR APPOINTMENT OF
JEFFREY UTTECHT,) COUNSEL
12)
Respondent.)
13 _____)

14 Petitioner's petition for a writ of habeas corpus was denied by the Court on February 3,
15 2009. (Dkt. 19). Petitioner has appealed that ruling to the Ninth Circuit Court of Appeals.
16 (Dkt. 22). Petitioner's motion for a certificate of appealability is pending before the
17 Honorable Robert S. Lasnik. Petitioner has also filed a motion for appointment of counsel on
18 appeal. (Dkt. 26). Judge Lasnik referred that motion to the undersigned on March 11, 2009.
19 (Dkt. 29). The Court, having considered petitioner's motion for appointment of counsel, and
20 the balance of the record, does hereby find and ORDER as follows:

21 (1) Because petitioner's case in the District Court has concluded, petitioner's
22 motion for appointment of counsel on appeal (Dkt. 26) is DENIED without prejudice to its

renewal before the Ninth Circuit.

(2) The Clerk shall direct copies of this Order to petitioner, counsel for respondent, and to the Honorable Robert S. Lasnik.

DATED this 24th day of March, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge